

June 18, 2013

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW, Room TW-A325
Washington, DC 20554

Subject: Revision of Part 15 of the Commission's Rules to Permit Unlicensed National Infrastructure Devices in the 5 GHz band, *Notice of Proposed Rulemaking* in ET Docket No. 13-49 – Arizona Department of Transportation Comments

Dear Secretary Dortch:

The Arizona Department of Transportation (ADOT) is pleased to offer this reply to comments filed in regard the Commission's Notice of Proposed Rulemaking ET Docket No. 13-49 in the matter of Revision of the Commission's Rules to Permit Unlicensed National Information Infrastructure (U-NII) Devices in the 5 GHz Band. ADOT is responsible for the design, construction and operation of the components of our nation's surface transportation infrastructure within our state. Our department is very concerned with provisions within the instant Notice and would like to register our reply to the comments and issues raised by others.

ADOT supports the comments filed by the American Association of State Highway and Transportation Officials and those of the Intelligent Transportation Society of America. Each of these organizations has presented clear testimony and evidence of the harm which will be wreaked on the spectrum allocated for the Intelligent Transportation Systems Radio Service under 47 C.F.R. Sections 90.371 through 90.383 should the spectrum be reallocated either through allowing U-NII devices to co-locate on channels assigned to the Dedicated Short-Range Communications Service (DSRC or DSRCS) or from the segmentation of the spectrum resulting in reduced bandwidth for DSRCS.

In February, 2012, Public Law 112-96 known as *The Middle Class Tax Relief and Job Creation Act of 2012* Section 6406 required the Commission to begin a proceeding to modify part 15 of title 47, Code of Federal Regulations, to allow unlicensed U-NII devices to operate in the 5350–5470 MHz band. The law also stated the Commission was to take this action after consulting with the Assistant Secretary of Commerce and the National Telecommunications Information Agency (NTIA) that licensed users would be protected from interference that may be created from the unlicensed device. We also note the federal users in this spectrum operate high power devices such as radar that allow the detection and mitigation of signals to be readily accomplished. Further, the NTIA was directed to study the risks to licensed users in the 5850-5925 MHz Band assigned to the DSRC Service where the detection of authorized devices operating with much lower power than the proposed unlicensed devices is not easily

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accomplished. The Commission was not ordered to take any action on this segment until a second report from the Assistant Secretary had been completed and filed with the Commission and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate. However, the Commission decided on its own authority to include this segment of spectrum in the instant proceeding.

ADOT has carefully reviewed the Commission's proposed rules and many of the comments on record. We agree with the comments of Deputy Secretary of Transportation John D. Porcari where he states in a May 16, 2013 letter to Assistant Secretary for Communications and Information Lawrence E. Strickling that the Department of Transportation views "'harmful interference' with safety as anything that prevents or delays access to the desired channel, or otherwise pre-empts the safety applications for which the spectrum is allocated." We have also noted several commenters have proposed creating a searchable database with the known locations of all licensed users within the DSRC spectrum. While this could be a viable solution for fixed location U-NII devices operating with lower or equivalent radiated power as other fixed location licensed devices, the problem of dealing with nomadic devices installed either in vehicles or as handheld units cannot be addressed in this manner.

We note some commenters state there have been few authorizations issued for DSRC. We agree there are few installations as the devices for this service have recently progressed from the proof-of-concept stage to pilot testing. Our agency is following the current pilot testing being conducted in Ann Arbor, Michigan, the results of which are to be evaluated by the National Highway Traffic Safety Administration for mandatory inclusion in all vehicles. We note the pilot testing supports the conclusion that inclusion of these devices will provide a reduction of the unimpaired driver accidents of up to 80% greatly reducing the more than 30,000 traffic fatalities and 2,000,000 bodily injuries occurring each year.

The promise offered by this technology to reduce deaths, injuries, loss of property, reductions in energy use and emissions is just too great to negate for an opportunity of providing additional capacity for Internet access to consumers and their wireless devices. ADOT urges the Commission to remove this spectrum from consideration as an allocation for unlicensed devices.

Sincerely,

A handwritten signature in blue ink, reading "John S. Halikowski". The signature is fluid and cursive, with the first name "John" being the most prominent.

John S. Halikowski

c: Karen Rasmussen, President & CEO, HELP, Inc.
Bud Wright, Executive Director, AASHTO
Dennis Smith, Executive Director, MAG
Karla Petty, Division Administrator, FHWA